



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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March 19, 2015

Grate Enterprises, Inc.
c/o Billy Gatian
1644 Blue Horizon Drive
Morgantown, WV 26501

**RE: V15-22 / Denny's Corporation / Hornbeck Road
Tax Map 64, Parcel 4**

Dear Mr. Gatian,

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition for variance relief from Article 1353.07 as it relates to cladding materials on Hornbeck Road. The decision is as follows:

Board of Zoning Appeals, March 18, 2015:

1. Each of the Findings of Fact was found in the positive for Case No. V15-22 as stated in Addendum A of this letter.
2. The Board approved Case No. V15-22 under Article 1353.07 with the following conditions:
 - a. That the location, area, and extent of the cultured masonry materials (stone and/or brick) that is illustrated on the elevations submitted with the petitioner's variance application may not be reduced.
 - b. That the EIFS clad facades, to the satisfaction of the Planning Division, must emulate cast concrete on the front and side facades.

These decisions may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approvals are set to expire in twelve (12) months unless you can demonstrate that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board. Please note that building permits must be obtained prior to the commencement of work for which variance relief was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and permitting needs.

Respectfully,

Stacy Hollar
Executive Secretary

ADDENDUM A – Approved Findings of Fact

V15-22 / Denny's Corporation / Hornbeck Road

Finding of Fact No. 1 – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

The requested use of alternative exterior building finished has no impact on public health, safety or welfare. The adjacent properties are all commercial and will not be harmed because of the exterior building finishes.

Finding of Fact No. 2 – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

The variance is requested so the proposed building can be constructed in compliance with corporate standards. Denny's Corporation strives to maintain a uniform look between its individual franchise locations to ensure familiarity to its patrons; however Denny's corporate standards that are required for its franchisees does not meet current zoning requirements.

Finding of Fact No. 3 – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

Denny's corporation does not allow alternate building materials, therefore for the proposed project to be feasible, a variance must be granted.

Finding of Fact No. 4 – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

Use of the proposed building materials does not allow the property to be used in matter not in compliance with the zoning code. Zoning ordinances with respect to exterior finishes are for the purposed of uniformity. However, the existing commercial properties in this area we constructed prior to incorporation into the City and do not comply with the zoning code. Therefore, granting of this variance will not cause any less uniformity for future development in this area.